

### Consent Decree

A Consent Decree was entered in the case of United States, et al. v. Sunoco (Civil Action No. 05-02866) in The United States District Court for the Eastern District of Pennsylvania on March 21, 2006, and amended on June 3, 2009, August 30, 2011 and September 1, 2011 ("Consent Decree"). The Consent Decree is a settlement between the United States, et al., and Sunoco. on July 2, 2012, Sunoco entered into a refining contribution agreement with Carlyle PES, L.L.C. ("Carlyle"), Philadelphia Energy Solutions LLC ("PES LLC"), and Philadelphia Energy Solutions Refining and Marketing LLC ("PES R&M LLC"), and transferred the ownership and operation of the Philadelphia Refinery to PES R&M LLC; and PES R&M LLC has contractually agreed to be bound by the terms and conditions of, the Consent Decree.

The Consent Decree requires PES R&M LLC to submit complete applications to the applications state/local permitting agency to incorporate the emission limits and standards in the Consent Decree into federally enforceable permits to ensure that the underlying emission limit or standard survives the termination of the Consent Decree. (See paragraphs 94 and 95). For requirements that are effective as of the date of lodging of the Consent Decree, permit applications were due by November 14, 2012.

Please identify the specific applications that have been submitted to the AMS as required by the Consent Decree, the emission units that were covered in the applications, and the specific emission limits and standards from the Consent Decree that have been incorporated into the Title V permit.

Consent Decree requirements that have not been met and certified by PES R&M LLC must be included in a compliance schedule pursuant to 40 CFR 70.6(c)(3). The compliance schedule should include each Consent Decree requirement that applies to the Philadelphia refinery that has not yet been met and a timetable for fulfilling these requirements. EPA will work with AMS to identify the specific Consent Decree requirements that must be incorporated into the compliance schedule of the Title V permit.

In the interest of clarifying the complexity of the draft title V permit, it is reasonable to add an applicable facility-wide condition in the title V permit decree that requires PES R&M LLC to comply with all conditions in the Consent Decree and also include as part of the review memo, a table, provided by the refinery, of emission standards and limitations from the Consent Decree as well as dates of compliance for the requirements not yet fulfilled. Finally the AMS will assure that a condition is added to the permit requiring the refinery submit semi-annual updates of the specific requirements in the table.

### Applicability of Federal Requirements

PES R&M LLC must determine if the Philadelphia refinery is subject to the following federal regulations: NSPS [Subpart NNN](#) - Standards of Performance for Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry; and (SOCMI) Distillation Operations; and NSPS [Subpart III](#) - Standards of Performance for Volatile Organic Compound (VOC) Emissions From the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes.

In Section E of the draft permit there are a list of federal applications which are identified as being non-applicable, however, there is no justification/discussion in the review memo as to why. The memo should discuss the reasons that the Facility is not subject to the regulations.

The 2006 application shows the refinery as being subject to 40 CFR 63 Subpart GGGGG, the review memo does not say whether they are applicable or not. This must be determined and included in the memo.

### Greenhouse Gasses

The review memo should discuss whether the refinery is a major source with regards to green house gasses (GHGs) and include calculations showing the PTE for GHGs.

### Potential to emit (PTE)

The memo should provide a table showing the potential to emit for all pollutants of concern at the refinery.

### CAM

The review memo must include a discussion on CAM applicability for the refinery.

### Applicable requirement discrepancies

See Page 64 Subsection D.1(c). This language is not clear. Re-phrase the language so that it clearly explains what the permittee should monitor.

See page 163 Subsection D.21(c)(10). It appears that coke burn-off determination must use EQ 1 and EQ 2 of Subpart UUU as per Sunoco letter to EPA dated August 25, 2005 RE: MACT notification of compliance status 40 CFR subpart UUU. Recommend including the equations in the permit.

### Planned Maintenance and Operation Plan

Page 40 of the Consent Decree specifies that the owner/operator must submit to EPA and the Appropriate Plaintiff/Intervenor a summary of the plans, implemented or to be implemented, at the Philadelphia refinery, for enhanced maintenance and operation of their Sulfur Recovery Plants, and Tail Gas Units, including any supplemental control devices, and the appropriate Upstream Process Units. This plan is known as a Preventive Maintenance and Operation Plan ("PMO Plan"). The PMO Plan is a compilation of the owner/operators approaches for exercising good air pollution control practices and for minimizing SO<sub>2</sub> emissions at this refinery. As it is a requirement from the consent decree the approaches contained in the PMO should be incorporated, if practically feasible into the Title V permit. Such procedures should include but not be limited to sulfur shedding procedures, startup and shutdown procedures, emergency procedures and schedules to coordinate maintenance turnarounds of the SRP Claus trains and associated TGUs to coincide, if necessary to minimize emissions, with scheduled turnarounds of major Upstream Process Units. AMS should find an alternative way to formalize these requirements such that the Title V permit contains a requirement to adhere to these applicable requirements are referred to in the Title V permit.